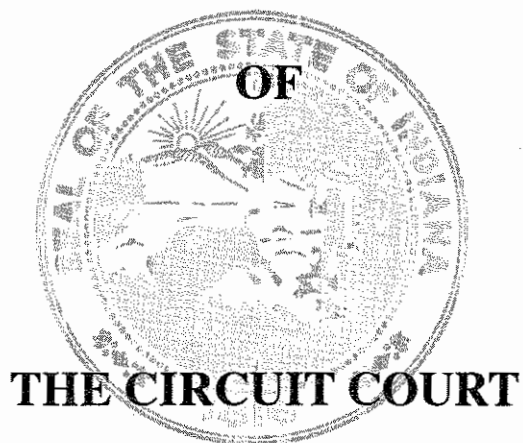


LOCAL RULES



THE CIRCUIT COURT

AND

THE SUPERIOR COURTS OF HOWARD COUNTY

JULY, 1998

STATE OF INDIANA)

IN THE HOWARD COUNTY COURTS

)

SS:

COUNTY OF HOWARD)

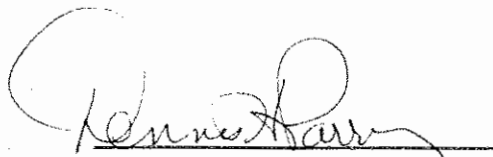
1991 TERM

ORDER

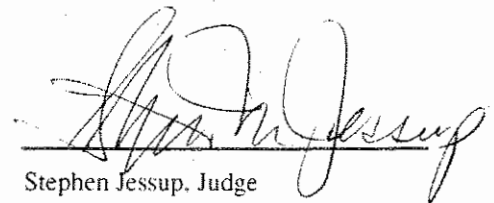
Pursuant to inherent authority and Indiana Rules of Court, Trial Rule 81, the Howard Circuit Court and Superior Courts hereby adopt and promulgate the attached Local Rules.

The Clerk is directed to spread the rules of record in the Record of Judgements and Orders, to provide a copy to the members of the Howard County Bar, and Pursuant to Trial Rule 81, submit two copies to the Clerk of the Indiana Supreme and Appellate Court.

SO ORDERED THIS DAY OF JULY 1, 1998



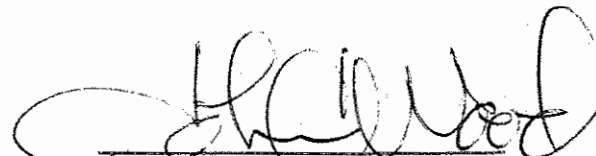
Dennis H. Parry, Judge
Howard Superior Court I



Stephen Jessup, Judge
Howard Superior Court II



Lynn Murray, Judge
Howard Circuit Court



John Wood, Judge
Howard Superior Court III

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CIVIL RULE 1

SCOPE OF RULES

Pursuant to Trial Rule 81 of the Indiana Rules of Court, and except as otherwise provided, these rules govern the procedure and practice of the Circuit Court and the Superior Courts of Howard County.

The rules with no special designation shall govern all suits of a civil nature including small claims, except as otherwise provided in the rules designated "Small Claims" or other Indiana rules governing small claims.

These local rules shall be read and applied in a manner not inconsistent with the Indiana Rules of Trial Procedure.

CIVIL RULE 2

JURISDICTION

A. HOWARD CIRCUIT COURT: The Howard Circuit Court shall have exclusive jurisdiction of the following matters.

1. Juvenile Matters
2. Adoptions

B. HOWARD SUPERIOR COURTS: The Howard Superior Courts shall have exclusive jurisdiction of the following matters.

1. Mental Health Matters

C. HOWARD SUPERIOR COURT III: The Howard Superior Court III shall have exclusive jurisdiction of small claims.

D. CONCURRENT JURISDICTION: The courts shall have concurrent jurisdiction on all other matters.

CIVIL RULE 3

TRANSFER OF ACTION

It may, from time to time, be expedient for the Judges of Howard Circuit court and Superior Courts to transfer cases between those courts. This shall be done with the consent of the two judges involved in the transfers, pursuant to I.C. 33-5-20. 1-21 and I.C. 33-5-20. 1-22. If such transfer is consummated, the time for taking a change of venue from the judge shall be extended for a period of ten (10) days from the service of notice of such transfer or until such period expires pursuant to T.R. 76 or other applicable law.

CIVIL RULE 4

JUDGES SITTING IN EITHER COURT

It may, from time to time, be expedient for the Judges of Howard Circuit and Superior Courts to hear cases pending in another court.

The Judge of the Howard Circuit Court authorizes the Judges of the Howard Superior Courts to sit as Judge of the Howard Circuit Court, at any time, in any case.

The Judges of the Howard Superior Courts authorize the Judge of the Howard Circuit Court to sit as Judge of the Howard Superior Courts, at any time, in any case.

CIVIL RULE 5

APPEARANCE AND WITHDRAWAL

A. APPEARANCE: An appearance by counsel or by a party appearing without an attorney shall be made in writing and filed with either the Clerk or the Court. It shall be in compliance with the Indiana Supreme Court Rules. A copy must be served on other counsel or parties. The Clerk shall note the appearance on the Chronological Case Summary.

B. WITHDRAWAL: All withdrawals of appearance shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given his client ten (10) days written notice of his intention to withdraw and has filed a copy of the notice with the court, except in the following cases:

- (1) when another attorney has already filed an appearance for the same party; or
- (2) when the withdrawing attorney files a pleading indicating that he or she has been terminated from the case by the client; or
- (3) when the appearance of an attorney is deemed withdrawn upon conclusion of an action or matter.

The court will not grant a request to withdraw an appearance unless the same has been filed with the court at least ten (10) days prior to trial date, except for good cause. A withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of this requirement. All withdrawals of appearance shall comply fully with the provisions of Rules of Professional Conduct.

CIVIL RULE 6

PREPARATION OF PLEADINGS, MOTIONS AND OTHER PAPERS

A. PRODUCTION. Pleadings, motions, and other papers shall be on white paper. Effective January 1, 1992, all pleadings, copies, motions, and documents filed with the court, with the exception of exhibits and existing wills, shall be prepared on 8.5"x11" paper. Through December 31, 1991, such paper and records will be accepted on either 8.5"x11" or 8.5"x14" size paper with the exception of orders, which shall be on 8.5"x11" paper after the effective date of this rule. The lines shall be double spaced except for quotations, which shall be indented and single spaced.

B. TITLES. Titles on all pleadings shall delineate each topic included in the pleading, e.g. where a pleading contains an Answer, a Motion to Strike or Dismiss, or a Jury Request, each shall be set forth in the title.

CIVIL RULE 7

FILINGS

A. PLEADINGS. The entry of appearance and the filing of pleadings or other matters not requiring immediate Court action shall be filed with the Clerk. The Judge may, however, permit papers to be filed with him, in which event he shall note thereon the filing date.

B. CHRONOLOGICAL CASE SUMMARY ENTRIES. Written pleadings presented for filing must be accompanied by a proposed entry for the Chronological Case Summary. It shall contain the title and number of the case, the date, and exact entry to appear on the Chronological Case Summary. The proposed entry shall be signed by counsel.

C. COPIES TO SPECIAL JUDGES. When a Special Judge is selected, copies of all pleadings, motions, or briefs filed shall be mailed or delivered to the office of the Special Judge with certificate of forwarding same made a part of the original papers.

CIVIL RULE 8

CHANGE OF JUDGE

Purpose of Rule:

This rule is adopted to comply with the requirements of Trial Rule 79(h) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges insuring the effective use of all judicial resources within Administrative District 5, and includes each person eligible for appointment under Section (j) of Trial Rule 79.

Central Office Established:

There is established a Central Office for the Keeping of records of appointment and selection of special judges for this District. The Central Office of this District shall be the Wabash Circuit Court.

This Court shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. This Court shall accept from the Central Administrator the name of the individual to then be appointed as special judge.

The person serving as Administrator of the Central Office shall have the following responsibilities:

1. To maintain a list of persons qualified to serve as special judge under Section (j) of Trial Rule 79.
2. To take referrals from the several courts of this District, requesting appointment of a special judge.
3. To alternately and on a rotating basis appoint qualified judges from the list maintained for that purpose.
4. To notify the referring Court of the individual to be appointed under this Rule.

Current Rotation Schedule:

The following shall be the rotation schedule initially used by the Central Administrator.

1. The Judge of Cass Superior Court, currently the Honorable Douglas A Cox.
2. The Judge of the Wabash Circuit Court, currently the Honorable Daniel Vanderpool.
3. The Judge of the Howard Superior Court III, currently the Honorable John Wood.
4. The Judge of the Fulton Superior Court, currently the Honorable Rosemary Higgins-Burke.
5. The Judge of the Howard Superior Court II, currently the Honorable Stephen M. Jessup.
6. The Judge of the Fulton Circuit Court, currently the Honorable Douglas Morton.
7. The Judge of the Howard Circuit Court, currently the Honorable Lynn Murray.

8. The Judge of the Tipton Circuit Court, currently the Honorable Dane Nash.
9. The Judge of the Miami Superior Court, currently the Honorable Daniel Banina.
10. The Judge of the Howard Superior Court I, currently the Honorable Dennis Parry.
11. The Judge of the Cass Circuit Court, currently the Honorable Julian Ridlen.
12. The Judge of the Wabash Superior Court, currently the Honorable Michael Sposeep.
13. The Judge of the Miami Circuit Court, currently the Honorable Bruce Embry.

Administration Fee:

Each of the courts participating under this Rule shall pay each year the sum of Fifty Dollars (\$50.00) to the Central Administrator, payable directly to the Administrator by the 15th of September of each year.

Certification to Supreme Court:

In cases in which no judge is eligible to serve as special judge in a particular case, or where the circumstances of a case require it, the Court shall certify those circumstances to the Supreme Court, and that Court shall make appointment.

CIVIL RULE 9

PROPOSED ORDERS

Prior to entry by the court of Orders granting motions, applications or setting hearing dates, the moving party or applicant shall, unless the court directs otherwise, furnish the court with proposed Orders in the following matters:

1. Enlargement of Time
2. Continuance
3. Default Judgement
4. Compel Discovery
5. Dismissal
6. Appointment of Receiver
7. Appointment of Guardian
8. Restraining Order, Temporary or Permanent Injunction
9. Immediate Possession of Real Estate
10. Immediate Possession of Personal Property
11. Findings of Fact and Conclusions of Law
12. Foreclosure of a Mortgage or other Lien
13. Setting Hearing Dates
14. Such other Order, Judgements or Decrees as the Court may direct

All proposed Orders left with the Clerk or Court shall be submitted in sufficient numbers so that distribution may be made to all affected parties.

CIVIL RULE 10

MOTIONS

A. ORAL ARGUMENTS. The Court shall not hear oral arguments on motions unless required by the Indiana Rules of Procedure, requested by a party and allowed by the Court in its discretion, or at the request of the Court.

b. BRIEFS AND MEMORANDA REGARDING MOTIONS. If a party desires to file a brief and memorandum in support of any motion, such brief or memorandum shall accompany or be filed simultaneously with the motion, and a copy served on the adverse party. If the adverse party desires to file a brief or memorandum, the adverse party shall file it as ordered by the Court.

C. ENLARGEMENT OF TIME. An initial written motion for enlargement of time pursuant to Trial Rule 6(B)(1) to respond to a claim shall be automatically allowed for an additional 30 days from the date of filing by a written order of the Court except in matters denominated in the pleadings as emergency in nature. Any motion filed pursuant to this rule shall state the date when such response is due and the date to which time is enlarged. The motion must be filed on or before the original due date, or this rule is inapplicable.

CIVIL RULE 11

CONTINUANCES

A motion for a continuance, unless made during the hearing of the cause, shall be for cause, in writing and verified. A motion for continuance must be filed as soon after the cause for continuance is discovered by the moving party. The attorney's signature on a request for a continuance is considered a certification that the client has been notified of the request.

The motion shall contain a statement concerning notification to opposing counsel or to pro se party:

1. That other counsel/party has been contracted and has no objection.
2. That other counsel/party has been contacted and does object.
3. That other counsel/party has not been contacted after diligent effort.

CIVIL RULE 12

VOIR DIRE

A. EXAMINATION OF PANEL AS A WHOLE BY COURT: Unless otherwise directed, the entire panel of prospective jurors shall be sworn by the court. The court may conduct its own voir dire examination of the entire panel with a view primarily of establishing a basis for challenge for cause.

B. JURY QUESTIONNAIRES: Jury questionnaires shall be on file with the Bailiff or Security Officer and copies shall be made available to counsel, but it shall be the responsibility of counsel to obtain such copies from the Bailiff or Security Officer, and to review the same before the voir dire begins.

C. SUPPLEMENTAL EXAMINATION BY COUNSEL: Following examination by the court, counsel shall be permitted to supplement the court's examination on subjects not expressly covered by the court or the jury questionnaires. Questions shall be, so far as possible, directed to the entire panel seated in the jury box. The side with the burden of proof shall proceed first with such examination and the opposing side will then proceed.

D. PEREMPTORY CHALLENGES: After each side has completed its supplementary examination, peremptory challenges must then be made. Such challenges will be made in writing and submitted to the court. After submission to the court, the court will then advise the prospective jurors so challenged.

E. PEREMPTORY CHALLENGES OF SAME JUROR: A peremptory challenge of the same juror by both sides shall count against the number of challenges for each side.

CIVIL RULE 13

JURY INSTRUCTIONS

All requests for instructions tendered in accordance with Trial Rule 51 shall be in writing with citations on the Court's copy, to applicable authority. Reasonably anticipated final instructions shall be exchanged and filed with the Court as directed. Proposed preliminary instructions shall be exchanged and filed. The plaintiff in a civil matter shall prepare and exchange with opposing counsel a proposed preliminary instruction on the issues, which shall be included in the Pre-Trial Order. The Court shall, in the interest of justice, permit the tender of additional instructions during the trial on matters which could not have been reasonably anticipated in advance of trial. Such proposed instructions shall be no more than ten (10) in number from each party or in the case of multiple parties no more than fifteen (15) total.

CIVIL RULE 14

PRE-TRIAL CONFERENCE

A. WHEN. There shall be a pre-trial conference in every civil case scheduled for jury trial. In other cases, upon motions of any party or upon motion of the Court, a pre-trial conference may be held.

B. CERTIFICATE OF READINESS. Any party may request that a pre-trial conference be held or that the cause be set for trial if no pre-trial conference is required by filing a Certificate of readiness, certifying to the Court that the cause is at issue; that discovery is completed or that discovery will be completed by the time of the pre-trial conference; that the cause is ready to be assigned for pre-trial conference or that a pre-trial conference should be waived and the matter assigned for trial. If any party should oppose any matter contained in the Certificate of Readiness, he shall, within 10 days following receipt of a copy of the Certificate of Readiness, file with the Court, with service to all counsel of record, his verified objections citing in particular why the cause is not ready for pre-trial conference and trial. The Court may summarily rule on any verified objections or, upon written request, set the matter for hearing. If no objections are filed within the time prescribed or allowed, the Court will set the cause for pre-trial conference. Following a pre-trial conference and entry of a pre-trial order in a cause, if required, the cause shall be placed on the Court's calendar for trial.

C. PRE-PRETRIAL CONFERENCE. At least 10 days prior to the date set for pre-trial conference, the attorneys for all parties shall meet and/or confer for the purposes set forth in Trial Rule 16(C).

D. PRE-TRIAL ORDER. Following the pre-trial conference, a pre-trial order shall be prepared, signed, and filed as directed by the Court at the pre-trial conference. When signed by the Court and entered of record, the pre-trial order shall control the course of trial, and the pleadings will be deemed merged therein.

CIVIL RULE 15

TRIAL SETTINGS

Unless otherwise ordered by the court at the pre-trial conference, when more than one case is set for trial on a given date, the case set second shall be required to stand for trial if counsel is given five (5) days notice, excluding Saturday and Sunday, that the case first set will not be heard. Counsel for all other subsequent settings are required to communicate with each other and counsel for the first and second settings to determine priorities. They are also required to inform the court as least seven (7) days before the trial is scheduled to commence, excluding Saturday and Sunday, of the need to call a jury.

CIVIL RULE 16

DOMESTIC RELATIONS

A. WORKSHEET - CHILD SUPPORT OBLIGATION. A copy of the worksheet provided in the Indiana Child Support Guidelines shall be submitted to the Court in each case in which the Court is asked to determine support, including cases in which agreed orders are submitted. The worksheets shall be signed by both parties under penalties of perjury.

B. SCHEDULE OF ASSETS AND LIABILITIES. A schedule of assets and liabilities, together with copies of any and all inventories and appraisals, shall be submitted to the Court prior to the beginning of a contested trial and copies served upon opposing counsel.

CIVIL RULE 16 (A)

CHILD SUPPORT WORKSHEETS

1. In compliance with the Indiana Child Support Rules concerning the filing of child support worksheets, EACH PARTY SHALL SIGN and file prior to any support hearing, a child support worksheet form which is substantially similar to the worksheet contained in the Indiana Child Support Rules, together with supporting income documentation. Supporting income documentation means a copy of a current paycheck or pay stub which shows year to date income, and/or the most recent tax return and/or W-2 statement of income. The child support worksheet must be signed under the penalties of perjury by a party, NOT THE ATTORNEY.
2. A party's failure to prepare, sign and file said worksheet with supporting income verification prior to the hearing, may preclude a party from introducing any evidence contradicting the amount of income imputed to him by the other party in their worksheet or testimony.
3. A party who is represented by an attorney for any support hearing shall serve upon all other counsel of record at least the day before any contested support hearing, a copy of any worksheet and supporting income verification sought to be filed. Failure of a party to comply with this prior service rule may preclude the party from introducing any evidence contradicting the amount of income imputed to him by the other party in their support worksheet.

CIVIL RULE 16 (B)

INCOME AND PROPERTY DISCLOSURE

1. In order to avoid the need for the service and answering of interrogatories and/or requests for production in a dissolution of marriage action and/or other domestic relation action for the division of property, and in order to insure complete, uniform and reciprocal disclosure of income, property, and assets, each party to an action for divorce or separation, shall cause to be filed with the Court in which the action is pending, an Income and Property Disclosure Form which shall be from time to time designated and approved by the Howard County Courts. The Initiating Party shall file the disclosure form within 30 days of the date the action is filed and shall serve same upon the opposing party contemporaneous with filing. The opposing party shall have 30 days from the date of service of the initiating parties service of the disclosure form to file his or her disclosure form.
2. No discovery request may be served upon the opposing party unless and until such party seeking discovery has filed with the Court his or her disclosure form. The filing and service of a prescribed disclosure form shall be deemed to comply with any and all discovery requests issued by a party where the discovery sought is contained in and/or may be reasonably discerned from such disclosure form.
3. The Clerk shall cause to be issued, to the adverse party contemporaneous with the summons of initial notice of hearing in all dissolution of marriage or legal separation actions, a copy of the prescribed disclosure form together with the children coping with divorce brochure.
4. No final hearing may be scheduled and no decree of dissolution of marriage or legal separation shall be entered unless and until the prescribed disclosure form is filed with the Court, except in cases where the parties are each represented by separate counsel and file with the court a waiver of such requirement.

CIVIL RULE 16 (C)

VISITATION ORDERS

1. REASONABLE VISITATION. It is the express preference of the Howard Circuit and Superior Courts that visitation be defined simply as “visitation at reasonable times and places”. Such visitation means that parties take into consideration the schedules and economic and geographic circumstances of each other as well as the schedules and activities of the children.

2. VISITATION GUIDELINES. The Howard Circuit and Superior Courts have prepared a suggested guidelines for visitation as well as general rules applicable to visitation orders. These guidelines are designed for those situations when the parties are unable to resolve “visitation at reasonable times and places” without having specific guidelines. Consequently, if the parties cannot agree on visitation terms, the visitation guidelines will be adopted unless the Court orders otherwise.

CIVIL RULE 17

EXHIBITS

Exhibits shall be presented to the reporter for marking prior to the beginning of the trial or during recess, to ensure that the trial is not delayed for the marking of exhibits.

The exhibits of plaintiffs, petitioners, or any other party who initiates an action shall be marked numerically as 1, 2, 3 etc. The exhibits of defendants, respondents, or any other party who responds to an action initiated by another shall be marked alphabetically as A, B, C, Etc. Where alphabetically marked exhibits exceed the letters in the alphabet, exhibits shall then be marked as AA, BB., CC, etc.

After being marked for identification and offered in evidence, all exhibits and proposed exhibits shall be placed in the custody of the reporter, who is responsible for their safekeeping unless otherwise ordered by the trial judge.

After a case has been decided and no appeal has been taken, or after all appeals are completed, if there has been no request for the return of such items within 90 days of final judgment, they may be disposed of by the reporter as the Court may direct.

Copies of all documentary exhibits shall be provided as follows: one for the Court: one for each party and one for each Juror.

CIVIL RULE 18

DOCUMENTS, FILES AND DEPOSITIONS

A. REMOVAL OF ORIGINAL PLEADINGS, PAPERS AND RECORDS. No person shall withdraw any original pleading, paper, or record from the custody of the clerk or other officer of the Court except after giving proper receipt.

CIVIL RULE 19

LIBRARY

The books and electronic devices in the law library shall be in the custody of the Judges of the Courts of Howard County. No person shall remove any book or electronic device from the law library until he signs out the same. Any item removed from the library shall not be retained more than ten consecutive days.

CIVIL RULE 20

APPELLATE RECORD

When an appeal is initiated by the filing of a Praeipce for the record pursuant to Appellate Rule 2, and a transcript of all or any part of the evidence is sought for the record of appeal, counsel filing the Praeipce shall deliver, contemporaneously and personally, a copy of the Praeipce to the Court Reporter, advise the Court Reporter of the deadline for preparation of the records, and then make arrangements to pay the Court Reporter for preparation of the records.

CIVIL RULE 21

TRANSCRIPTS

Persons requesting transcripts shall make a deposit with the Court Reporter sufficient to cover the cost of the transcript at the time of the request unless other arrangements are made with the Court Reporter who is preparing the transcript.

CIVIL RULE 22

COURTROOM SECURITY

No person shall enter the courtroom or the court's chambers or environs in possession of a firearm or any type of knife, club, bomb, or explosive device or any other offensive weapon. This order does not apply to law enforcement officers in uniform or law enforcement officers in plain clothes, who publicly display identification.

Violators will be found in contempt of court and punished according to applicable law.

CIVIL RULE 23

FACSIMILE TRANSMISSIONS

A. FILING BY ELECTRONIC FACSIMILE TRANSMISSION. Howard Circuit and Superior Courts authorizes the filing of pleadings, motions and other papers by electronic facsimile transmission, provided:

1. such matter does not exceed ten (10) pages, including the cover sheet;
2. such matter does not require the payment of fees;
3. the sending party creates at the time of transmission a machine generated log for such transmission; and
4. the original document and the transmission log are maintained by the sending party for the duration of the litigation.

B. TIME OF FILING. During normal, posted business hours, the time of filing shall be the time the duplicate document is produced in the office of the Court or Clerk of the Circuit and Superior Courts. Duplicate documents received at all other times shall be filed as of the next normal business day.

If the receiving FAX machine endorses its own time and date stamp upon the transmitted documents and the receiving machine produces a delivery receipt which is electronically created and transmitted to the sending party, the time of filing shall be the date and time recorded on the transmitted document by the receiving FAX machine.

C. COVER SHEET. Any document sent to the Clerk or Court by electronic facsimile transmission shall be accompanied by a cover sheet which states the title of the document, case number, number of pages, identify and voice telephone number of the sending party and instructions for filing. The cover sheet shall contain the instructions for filing. The cover sheet shall contain the signature of the attorney or party, pro se, authorizing the filing.

D. DESIGNATED TELEPHONE NUMBER. The designated telephone number to receive electronic facsimile transmissions are as follows:

Howard Circuit Court	(765) 456-2016
Howard Superior Court I	(765) 456-2327
Howard Superior Court II	(765) 456-2327
Howard Superior Court III	(765) 456-7003

CIVIL RULE 24

COURT REPORTER

Section One. Definitions. The following definitions shall apply under this local rule:

- (1) A *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) *Work Space* means that portion of the court's facilities dedicated to each court reporter including but not limited to actual space in the courtroom and any designated office space.
- (4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- (8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- (9) *Work Week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday and through Thursday.
- (10) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Howard County.
- (11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (13) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two. Salaries and Per Page Fees.

- (1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours, or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours.
- (2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$3.50; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcript.
- (3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$3.50.
- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.50.
- (5) That preparation of all transcripts shall be done outside of the work space and after regular work hours.
- (6) Each court reporter shall report, at least on an annual basis, all transcripts fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the division of State Court Administration.

Section Three. Private Practice.

- (1) If a court reporter elects to engage in private practice through the recording of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - (a) The reasonable market rate for the use of equipment, work space and supplies;
 - (b) The method by which records are to be kept for the use of equipment, work space and supplies, and;
 - (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
- (2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

CRIMINAL RULE 1

SCOPE OF RULES

These local rules shall be read and applied in a manner not inconsistent with the Indiana Rules of Trial Procedure.

CRIMINAL RULE 2

INITIAL HEARING

Any defendant held in custody by reason of warrant or civil attachment shall be brought before the court for initial hearing upon order of the court following the arrest. This rule shall not prohibit the release of any defendant on bond as per order of the court.

CRIMINAL RULE 3

WITHDRAWAL OF APPEARANCE

In criminal cases, withdrawal of representation of a defendant will be in compliance with I.C. 35-36-8-2. It will be considered after a hearing is conducted in open court, on record, in the presence of the defendant, unless another attorney has entered an appearance for the defendant. Withdrawal of appearance may be allowed without compliance with the requirements of this rule, if the reason for withdrawal is the inability to locate and communicate with the defendant. In such event a warrant shall be issued for the arrest of the defendant. Notice of withdrawal is required as per Local Civil Rule 5.

CRIMINAL RULE 4

WARRANTLESS ARRESTS

Any defendant held in custody by reason of a warrantless arrest, shall be brought before a judge for probable cause determination within forty-eight (48) hours following arrest. The probable cause determination may be made either by hearing or by affidavit(s).

When the judge has authorized release on bond before probable cause determination, the Sheriff shall give notice to the defendant of a court appearance date on the Report of Bonding form with a copy delivered to the court and prosecutor.

After determination of probable cause, the prosecutor shall file appropriate charges with the court within forty-eight (48) hours.

CRIMINAL RULE 5

FILING CRIMINAL CASES

A. WEEKLY ROTATION: Beginning January 2, 1995, weekly rotation will be as follows;

1. Week #1 - Superior Court I
2. Week #2 - Superior Court II
3. Week #3 - Circuit Court

Weekly rotation thereafter will be from 12:01 a.m. Monday until twelve o'clock midnight Sunday each week.

The Clerk will maintain a projected calendar for one year in advance showing the weekly rotation and shall in retrospect project a calendar for the previous one year and beyond if necessary for weekly rotation.

The weekly rotation calendar will be public and posted in the Clerk's office and in each court participating in the weekly rotation.

B. FILING FELONIES: The court in which criminal charges will be filed will be the court on weekly rotation on the day on which the offense alleged in the charging document occurred with the following guidelines:

1. Where multiple offenses are filed, the date of the earliest offense alleged in the charging document shall control the rotation date.
2. In other cases where the date of the case is ambiguous, or covers a period of time, or is not otherwise specifically alleged, the controlling date will be the date that the Prosecutors Office logged in the original complaint, case, report, or other notification of the alleged offense. The Prosecutor shall maintain a system of logging in cases which shall be open for reasonable inspection by the courts and members of the Bar.

C. SUPERIOR COURT III: This court will be the court in which misdemeanors, felonies involving the operation of a motor vehicle, and felony domestic violence (where there is alleged a prior act of domestic violence) are filed, with the following qualifications:

1. A misdemeanor charge which is filed contemporaneous with a felony charge against the same individual will be filed in the court where the felony charge is filed.
2. Where a defendant has a pending felony charge, a subsequent misdemeanor charge will be filed in the court in which the felony charge is pending.
3. Where a defendant has a pending misdemeanor charge and a subsequent felony charge is filed, the misdemeanor charge will remain in Superior Court III, or with the consent of the accused, the Prosecutor and the Judge of the Superior Court III, may be transferred to the court having the felony case under Transfer of Action, Local Civil Rule 3.

D. CHANGE OF JUDGE: The Clerk will maintain a container with four (4) identical balls. A ball will be designated for each of the four (4) courts in Howard County: Circuit Court, Superior Court I, Superior Court II, and Superior Court III. Where there has been a change of venue granted from the judge, the Clerk will remove the granting court and randomly select a ball from the container indicating the name of the new court of venue. The Clerk will set the time for selection, which shall be no later than ten (10) days after the order granting the change of venue. The Clerk will notify counsel of record of the date and time that selection will occur.

After selection, the cause may then be reassigned to the new court by transfer under Local civil Rule 3.

CRIMINAL RULE 6

BAIL SCHEDULE

A. AMOUNTS: The following amounts shall be the amounts set for bail bonds in those courts which authorize use of the schedule, unless otherwise ordered by the Court:

CLASS OF OFFENSE	BAIL AMOUNT
A. Murder	None
B. Habitual Offender	\$50,000.00
C. Class A Felony	\$75,000.00
D. Class B Felony	\$30,000.00
E. Class C Felony	\$15,000.00
F. Class D Felony	\$ 5,000.00
G. Class A Misdemeanor	\$ 3,000.00
H. Class B Misdemeanor	\$ 2,000.00
I. Class C Misdemeanor	\$ 1,500.00

EXCEPTIONS TO SCHEDULE

B. MULTIPLE CHARGES: If an arrest is made on more than one charge and there has been no prior judicial determination of bail, bail must be posted as to each charge. The amounts may be varied or determination stayed until court appearance by oral order of the judge, which order may be made by telephone.

C. RELEASE ON PROMISE TO APPEAR: The bail schedule shall not apply to cases in which a person may be released upon written promise to appear or the posting of other appropriate security including, but not limited to the following:

1. TRAFFIC OFFENSES: Pursuant to I.C. 9-4-1-131, a resident of Indiana charged with a **misdemeanor** regulating use and operation of a motor vehicle other than one listed in I.C. 9-4-130.1 shall be released upon signing a promise to appear. The offenses excepted from this rule by I.C. 9-4-1-130.1 are as follows: (a) an offense causing or contributing to an accident involving injury or death to any person; (b) a violation of I.C. 9-11-2; and (c) failure to stop in the event of an accident causing death, personal injuries, or damage to property. Residents of states which are members of the nonresident violator agreement, I.C. 9-5-1.1-1 et seq, shall be treated in the same manner as residents of Indiana. Resident of other states shall be required to provide security as provided in I.C. 9-4-1-131(b) or, failing to do so, they shall post bail in the amount provided above.

Any person refusing to sign a promise to appear shall post bail.

2. CONSERVATION OFFENSES: Pursuant to I.C. 14-2-9-3, case of violation of snowmobile and fish and game laws may be dealt with by summons rather than arrest.

D. INTOXICATED PERSONS: If any person is arrested or charged involving intoxication or use of drugs and, in the opinion of the Sheriff or his department, cannot safely be released because of such condition, that person shall be held until the Sheriff or his department determines that the person would not constitute a danger to himself or others. This provision is subject to the rule that all persons arrested who remain in jail shall be brought into court no later than the next day court is in session.

E. ARREST IN CIVIL PROCESS: The bail schedule applies only to arrest on criminal charges. On civil arrests (body attachments), the bond applicable is the amount stated by the court on the Body Attachment. Such bail is to be accepted in cash only. The court will consider the cash bail posted to be the property of the person arrested and subject to attachment.

F. TEN PERCENT CASH: In all cases, unless specific order to the contrary is made by the court when setting bail, the person, if a resident of the State of Indiana, may post cash in the amount ten percent (10%) of the bail. The court approved bond form must be used. If ten percent (10%) is posted, the paid sum shall be returned to the payor at the close of the case with the following deductions:

- (a) administrative fee as per statute;
- (b) fine, fees, and costs;
- (c) restitution ordered by the court;
- (d) alcohol or drug program fees;
- (e) contribution to the public defender fund;
- (f) costs of extradition;
- (g) cost of housing in jail or other facility outside Howard County;
- (h) Probation Users Fees

SMALL CLAIMS RULE 1

Attorneys of record are responsible for providing a proposed Order on all matters submitted where an Order is appropriate. The proposed Order may be at the bottom of the document submitted.

SMALL CLAIMS RULE 2

Motions to Continue will normally be granted only if the request indicates the position of the adverse party in regard to the continuance.

SMALL CLAIMS RULE 3

The first hearing date, as shown on the Notice of Claim, will generally be used to determine whether the Claim is contested. Witnesses are not required for this first setting. If the Claim is contested, a trial date will be scheduled. If the Defendant fails to appear at this first setting, a default judgement may be requested.

SUPERIOR COURT III CRIMINAL RULES

The Court incorporates herein the Local Criminal Rules adopted by Howard Superior and Circuit Courts, insofar as they do not conflict with the following:

1). No plea agreements will be accepted by the Court after the plea cut-off date, as scheduled on each jury trial setting. No set cut-off date exists for Court trials. However, the Court will not accept a plea agreement if the witnesses are present and prepared for trial.

2). The following is the standard Bond Scheduled for:

Class D Felony shall be \$5,000.00

Class A Misdemeanor shall be \$3,000.00

Class B Misdemeanor shall be \$2,000.00

Class C Misdemeanor shall be \$1,500.00

Bonds are to be collected on each count, up to a total Bond of \$5,000.00. Bonds may be released for payment of costs, fees and other expenses as ordered.